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REMARKS

Claims 1-6 have been canceled hereby without prejudice or disclaimer. Claims 7 and 8 have been previously canceled. New claims 9-13 have been added.

Reconsideration is respectfully requested of the rejection of the claims under 35 U.S.C. 103(a), as being unpatentable over U.S. Patent No. 6,836,844, to Kori et al., in view of U.S. Patent 6,618,335, to Tanaka et al., U.S. Patent 5,581,740 to Jones, and U.S. Patent 5,943,311 to Takenaka.

Independent claim 9 relates to a recording apparatus comprising reproduction means for reproducing digital data, for example digital audio data, from a standard compact disc. A control circuit searches an internal memory, for example a hard disk drive, of the apparatus to determine when digital data from the standard compact disc is present on the internal memory. A recording means writes the digital data from the standard compact disc to the internal memory only when the control circuit has determined that the digital data from the standard compact disc is not present on the internal memory.

The apparatus therefore does not waste time and memory writing data that has already been written to the internal memory.

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Kori et al. relates to a copy management method for managing audio content that has been recorded to a CD along with copy control information. The copy control information written to the CD is relied upon to prevent unauthorized copying of the audio content.

Tanaka et al. relates to a method for preventing the unauthorized copying of a CD by exploiting a 4-bit copy inhibition code stored in the first byte of various sectors. The copy inhibition code may be set to allow a copy to be made only once.

Jones relates to a means for copying data from CD ROMS to an array of hard disk drives.

Takenaka relates to an apparatus for copying character information as well as main information, for example music information, from one record medium (for example a MiniDisc) to another record medium (for example a MiniDisc).

The cited art, alone or taken in combination, fails to teach or suggest, a recording apparatus comprising a reproduction means for reproducing digital data from a standard compact disc, a control circuit for searching an internal memory of the apparatus to determine when digital data from the standard compact disc is present on the internal memory, and a recording means for writing the digital data from the standard compact disc to the internal

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memory only when the control circuit has determined that the digital data from the standard compact disc is not present on the internal memory.

Kori et al. and Tanaka et al. relate to methods for preventing the copying of compact discs. However, both Kori et al. and Tanaka et al., utilize compact discs that contain embedded copy protection information to determine whether copying is permissible. The compact discs used in both Kori et al. and Tanaka et al. must contain these embedded permissions or copying cannot be prevented. Independent claim 9 utilizes standard compact discs, and therefore no permissions need be embedded into the compact disc in order for the present invention to function.

Additionally, according to independent claim 9, writing to the internal memory occurs only when the digital data from the standard compact disc is not already present on the internal memory. Therefore, the writing of independent claim 9 is contingent upon whether the data is already where it is supposed to be, not on whether a maximum number of allowed copies have already been made, as is the case for both Kori et al. and Tanaka et al.

These features also fail to be taught or suggested in either Jones or Takenaka, and the Examiner does not contend that they are.

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Dependent claims 10-13 are patentable for at least similar reasons.

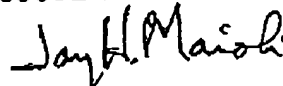
Therefore, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that Recording Apparatus, as taught by the present invention and as recited in the new claims, is neither shown nor suggested in the cited references.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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